

him by a cowardly and timorous legislature; and I do not think there is any fear that the legislature of this State will ever come to such a task that they would surrender the legislative authority to the governor. And indeed, if they should do such an unthinkable thing, other provisions of the constitution would prohibit that from being done. The courts would strike it down.

Again we have a section that once perhaps had historical justification, but it is not needed; and again, I urge you, let us keep out something that is unnecessary and get this constitution to a manageable size.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the Convention:

No comment.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 4 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 4. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 97 votes in the affirmative and 18 in the negative, the motion carries. The amendment is adopted.

The Chair has no further amendments to section 4. Are there any?

Delegate Scanlan.

DELEGATE SCANLAN: Mr. Chairman, may I take my winnings and go home for a while?

THE CHAIRMAN: You may take your winnings, but you may not go home.

Are there any further amendments to section 4?

Section 5.

Delegate Weidemeyer, do you desire to offer your Amendment K?

DELEGATE WEIDEMEYER: I do, Mr. President.

THE CHAIRMAN: The pages will distribute Amendment K.

This will be Amendment No. 5. The Clerk will read the amendment.

READING CLERK: Amendment No. 5 to Committee Recommendation R&P-2, by Delegate Weidemeyer:

On page 2, section 5, Limitation of Holding Office, strike out all of lines 24 and 25 and insert in lieu thereof the following: "positions of notary public and delegate to a constitutional convention shall not be considered offices of profit within the".

THE CHAIRMAN: Is the amendment seconded?

DELEGATE BENNETT: Second.

THE CHAIRMAN: Delegate Bennett seconded the amendment.

The Chair recognizes Delegate Weidemeyer to speak to it.

DELEGATE WEIDEMEYER: Mr. President, Members of the Convention, section 4 in R&P-2 is the same as recommended by the Committee, is the same as is now in the Constitution of Maryland. It is provided fully that no person shall hold at the same time more than one office of profit created by the constitutional laws of this State.

A few years back there was a question of whether the position of notary public was an office of profit, and many persons who held other offices at that time were also notaries public.

The legislature then passed, or issued out requests for constitutional amendment. It went before the public, and they put in the second sentence of that, that the position of notary public shall not be considered an office of profit within the meaning of this section.

Mr. President, you and many of us are well aware that under our present Constitution we had a case in the Court of Appeals.

I happened to be on the other side at that time. A lot of time was spent in determining whether members of the House of Delegates, or members of the State Senate could be members of the Constitutional Convention. The Court of Appeals held under our present Constitution that members of the legislature were not vio-